

MAY 29 2008



Via U.S. Mail and Facsimile

Wallace Coffey, Chairman
Comanche Nation
P.O. Box 908
Lawton, OK 73502
FAX: (580) 492-3796

Oscar Codopony
Comanche Nation Gaming Commission
P.O. Box 908
1915 E. Gore
Lawton, OK 73502
FAX: (580) 595-3359

William R. Norman, Jr., Attorney
Hobbs, Straus, Dean, and Walker
117 Park Avenue, 2nd Floor
Oklahoma City, Oklahoma 73102
FAX: (405) 602-9426

RE: NIGC Settlement Agreement 08-02

Dear Chairman Coffey and Mssrs. Codopony and Norman:

The NIGC is in receipt of the signed Settlement Agreement 08-02 regarding the Nation's late audit. We enclose a copy of the Settlement Agreement as signed by the Chairman on May 29, 2008.

As per the Settlement Agreement, please submit payment for the fine in the amount of \$2,500.00 no later than June 30, 2008. Thank you for your prompt attention to this matter. Please contact me at (202) 632-7003 if you have any questions.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rebecca Chapman".

Rebecca Chapman
Staff Attorney

Encl.

National Indian Gaming Commission

SETTLEMENT AGREEMENT

SA-08-02

INTRODUCTION

This Settlement Agreement (Agreement) is entered into by and between the Comanche Nation of Oklahoma (Nation), a federally-recognized Indian tribe, and the Chairman of the National Indian Gaming Commission (NIGC Chairman), relating to the matter contained in the NIGC Chairman's Notice of Violation No. NOV-08-02.

RECITALS

1. Whereas, the Indian Gaming Regulatory Act (IGRA) authorizes the NIGC Chairman to issue civil fines for violations of the IGRA, NIGC regulations, or tribal regulations, ordinances, or resolutions approved by the NIGC Chairman under 25 U.S.C. §§ 2710 and 2712. See 25 U.S.C. § 2713(a)(1).
2. Whereas, under NIGC regulations, 25 C.F.R. § 573.3(a), the Chairman may issue a Notice of Violation (NOV) to any person for violations of any provision of the IGRA, NIGC regulations, or any provision of a tribal gaming ordinance or resolution approved by the Chairman.
3. Whereas, on April 30, 2008, the NIGC Chairman issued NOV-08-02 for the Nation's failure to submit an independent audit report within 120 days after the end of the gaming operation's fiscal year.
4. Whereas, the Chairman and the Nation desire to achieve an amicable resolution of Notice of Violation No. NOV-08-02.
5. Therefore, the Chairman and the Nation have agreed to execute this Agreement and perform in accordance with the following covenants and conditions:

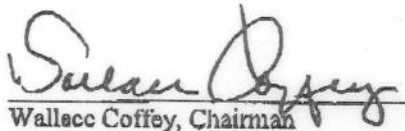
TERMS OF SETTLEMENT

6. This Agreement is entered into pursuant to 25 C.F.R. § 575.6 (b) and shall be effective upon the date that it is signed by the last party to sign this Agreement (Effective Date).
7. The Nation agrees that it was required to submit a timely audit report to the NIGC for the Comanche Red River Casino for the fiscal year ended September 30, 2007.
8. The Nation agrees that it submitted the audit report for the Comanche Red River Casino for the fiscal year ended September 30, 2007, to the NIGC in an untimely fashion.
9. The Nation agrees that the failure to submit an annual independent audit report for its gaming operation in a timely fashion is a violation of IGRA, 25 U.S.C. § 2701 *et seq.*, NIGC regulations, and the Nation's gaming ordinance.
10. The Nation agrees to pay a civil fine of five thousand dollars (\$5,000.00), made payable to the U.S. Treasury and delivered to the NIGC. Two thousand five hundred dollars (\$2,500.00) of the fine shall be due within thirty (30) days after the Effective Date. The remaining two thousand five hundred dollars (\$2,500.00) will be suspended pending the timely submission of the independent audit reports for the Comanche Red River Casino, and all other Comanche Nation gaming facilities, for the fiscal year ending September 30, 2008. The audit report submission will be considered timely if received before January 28, 2009. Upon timely submission of the audit reports for the Comanche Nation gaming facilities for fiscal year 2008, the NIGC Chairman will forgive the suspended two thousand five hundred dollar (\$2,500.00) fine. If the Nation fails to submit the audit reports in a timely manner, the remaining two thousand five hundred dollars (\$2,500.00) of the fine will be due on or before February 28, 2009.
11. By entering this Agreement, the NIGC Chairman agrees to waive his right to impose any additional civil fine or a closure order against the Nation for the matters addressed in NOV-08-02, unless the Nation fails to comply with this Agreement. If the Nation fails to comply with this Agreement, the NIGC Chairman reserves the right to issue another NOV, additional civil fines, and/or a closure order to resolve the Nation's initial violation and/or breach of this Agreement.
12. The Nation agrees upon execution of this Agreement to waive the right to further review of matters addressed in this Agreement, including all rights to appeal to the full Commission as set forth in 25 C.F.R. § 577 *et seq.* and judicial review pursuant to 25 U.S.C. § 2714.

ADDITIONAL COVENANTS


13. This Agreement constitutes the entire agreement between the NIGC Chairman and the Nation relating to the enforcement matter set forth in NOV 08-02. Any modification or waiver of any term of this Agreement must be in writing and signed by both parties.
14. The Nation stipulates that this Agreement shall be deemed to be the subject of a final order of the NIGC under 25 C.F.R. § 575.4(c)(1) and a final agency action pursuant to 25 C.F.R. § 577.9(d).
15. The NIGC Chairman and the Nation expressly agree and acknowledge that time is of the essence in this Agreement. The recitals herein shall be binding upon the parties, their agents, heirs, personal representatives, successors and assigns.
16. The parties agree that after the Effective Date, this Agreement shall be a public document and may be published or disclosed by either party.
17. This Agreement may be executed on one or more counterparts and each shall constitute an original. A signature produced by facsimile shall be deemed to be an original signature and shall be effective and binding for purpose of the Agreement.

Comanche Nation of Oklahoma


Wallace Coffey, Chairman

Date:

National Indian Gaming Commission


Philip N. Hogen, NIGC Chairman

Date: